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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/569,224	01/29/2007	Alasdair Craig Stamps	1300-1-013PCT/US	7472
23565 VI ALIBED &	7590 11/14/2007		ЕХАМГ	INER
KLAUBER & JACKSON 411 HACKENSACK AVENUE	NATARAJAN, M	N, MEERA		
HACKENSAC	CK, NJ 07601		ART UNIT	PAPER NUMBER
		1643		
			MAIL DATE	DELIVERY MODE
			11/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<u> </u>	Application No.	Applicant(a)				
	Application No.	Applicant(s)				
Office Action Summers	10/569,224	STAMPS, ALASDAIR CRAIG				
Office Action Summary	Examiner	Art Unit				
	Meera Natarajan	1643				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
	Responsive to communication(s) filed on 29 January 2007.					
, —						
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4) Claim(s) 7-26 is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6) Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) 7-26 are subject to restriction and/or election requirement.						
Application Papers						
9)☐ The specification is objected to by the Examine	r.					
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
•						
Attachment(s)	_					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) ∐ Inten Pape	view Summary (PTO-413) r No(s)/Mail Date				
3) Information Disclosure Statement(s) (PTO/SB/08)	5) 🔲 Notic	e of Informal Patent Application				
Paper No(s)/Mail Date 6) Uother:						

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Application/Control Number: 10/569,224

Art Unit: 1643

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 7-9 and 12 drawn to a method for the treatment and/or prophylaxis of carcinoma comprising administering a therapeutically effective amount of an agent which interacts with or modulates the expression or activity of a KIAA0659 polypeptide.

Group II, claim(s) 10-11, drawn to a method for the treatment and/or prophylaxis of carcinoma comprising administering a therapeutically effective amount of a composition comprising a KIAA0659 polypeptide.

Group III, claim(s) 13, 14, 24 and 25, drawn to a method of screening for anticarcinoma agents that *interact* with a KIAA0659 polypeptide.

Group IV, claim(s) 15-17, drawn to a method of screening for anti-carcinoma agents that *modulate* the expression or activity of a KIAA0659 polypeptide.

Group V, claim(s) 18, drawn to an agent identified by the method of Group III which interacts with or causes the expression or activity of KIAA0659 to change.

Group VI, claim(s) 19-23, drawn to a method of screening for and/or diagnosis or prognosis of carcinoma in a subject, and/or monitoring the effectiveness of carcinoma therapy.

Group VII, claim(s) 26, drawn to a diagnostic kit comprising a capture reagent specific for a KIAA0659 polypeptide, reagents and instructions for use.

2. The inventions listed as Groups I-VII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or

Application/Control Number: 10/569,224

Art Unit: 1643

corresponding special technical features for the following reasons: Claim 7 and 8 are drawn to a method for the treatment and/or prophylaxis of carcinoma comprising administering an antibody which interacts with or modulates the expression or activity of a KIAA0659 polypeptide (SEQ ID NO:1) and Claim 13 is drawn to a screening method to identify agents that interact with a KIAA0659 polypeptide. Tang et al. (WO/2001/066689) teach KIAA0659 polypeptide (see SEQ ID NO: 340 of WO document), antibodies that specifically bind to the KIAA0659 polypeptide (see paragraphs 4.13.1-9), their use to treat or diagnose cancer, and their use to screen for anti-cancer agents (see paragraphs 4.18). Therefore, the technical features recited in Claim 7, 8 and 13 are not novel based on the prior art.

- Restriction for examination purposes as indicated is proper because all these 3. inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:
- (a) the inventions have acquired a separate status in the art in view of their different classification;
- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
- (d) the prior art applicable to one invention would not likely be applicable to another invention;

Application/Control Number: 10/569,224

Art Unit: 1643

(e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention.

If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention. Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Application/Control Number: 10/569,224 Page 5

Art Unit: 1643

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meera Natarajan whose telephone number is 571-270-3058. The examiner can normally be reached on Monday-Thursday, 8:30AM-6:00PM, ALT. Friday. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms can be reached on 571-272-0832. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MN

LARRY R. HELMS, PH.D.
SUPERVISORY PATENT EXAMINED